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SENATE BILL 1013

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO LICENSING; CREATING A STATEWIDE PROGRAM FOR
CERTIFICATION OF CERTIFIED NURSE TECHNICIANS; EXEMPTING
RELIGIOUS PRACTITIONERS FROM THE NURSING PRACTICE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Nursing Practice Act is
enacted to read:

"[NEW MATERIAL] CERTIFIED NURSE TECHNICIAN PROGRAM.--

A. A statewide program for certification of nurse
technicians is created under the board.

B. For the purposes of this section, "certified
nurse technician" means a person who, under the supervision of
a registered nurse or licensed practical nurse, is permitted to
provide direct, hands-on nursing care to a person according to
rules adopted by the board.

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1 C. Unless certified as a nurse technician under the
2 Nursing Practice Act, a person shall not:

3 (1) practice as a certified nurse technician;
4 or

5 (2) use the title "certified nurse technician"
6 or other title, abbreviation, letters, figures, signs or
7 devices to indicate or imply that the person is a certified
8 nurse technician.

9 D. The board shall:

10 (1) maintain a permanent register of all
11 certified nurse technicians;

12 (2) adopt rules for certified nurse
13 technicians and certification requirements, including standards
14 and curricula;

15 (3) adopt rules governing the supervision of
16 certified nurse technicians by licensed practical nurses,
17 including standards and performance evaluations of certified
18 nurse technicians; and

19 (4) conduct disciplinary hearings of certified
20 nurse technicians or hearings on the denial, suspension or
21 revocation of certified nurse technician certificates in
22 accordance with the Uniform Licensing Act.

23 E. An applicant for certification as a certified
24 nurse technician shall pay the required application fee, submit
25 written evidence of having completed a board-approved training

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1 program for certified nurse technicians and successfully
2 complete a board-approved examination. The board shall issue a
3 certificate to a person who fulfills the requirements for
4 certification.

5 F. A certificate issued by the board to practice as
6 a certified nurse technician shall be renewed every two years."

7 Section 2. Section 61-3-29 NMSA 1978 (being Laws 1968,
8 Chapter 44, Section 25, as amended by Laws 2005, Chapter 303,
9 Section 2 and by Laws 2005, Chapter 307, Section 8) is amended
10 to read:

11 "61-3-29. EXCEPTIONS.--The Nursing Practice Act shall not
12 apply to or affect:

13 A. gratuitous nursing by friends or members of the
14 family;

15 B. nursing assistance in case of emergencies;

16 C. nursing by students when enrolled in approved
17 schools of nursing or approved courses for the education of
18 professional or practical nurses when such nursing is part of
19 the educational program;

20 D. nursing in this state by a nurse licensed in
21 another state whose employment requires the nurse to transport
22 a patient or who is a camp nurse who accompanies and cares for
23 a patient temporarily residing in this state if the nurse's
24 practice in this state does not exceed three months and the
25 nurse does not claim to be licensed in this state;

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1 E. nursing in this state by a person employed by
2 the United States government, while in the discharge of the
3 person's official duties;

4 F. the practice of midwifery by a person other than
5 a registered nurse who is certified or licensed in this state
6 to practice midwifery;

7 G. a person working as a home health aide, unless
8 performing acts defined as professional nursing or practical
9 nursing pursuant to the Nursing Practice Act;

10 ~~[H. a nursing aide or orderly, unless performing~~
11 ~~acts defined as professional nursing or practical nursing~~
12 ~~pursuant to the Nursing Practice Act;~~

13 ~~F.]~~ H. a registered nurse holding a current license
14 in another jurisdiction who is enrolled in a professional
15 course requiring nursing practice as a part of the educational
16 program; ~~[or~~

17 ~~F.]~~ I. performance by a personal care provider in a
18 noninstitutional setting of bowel and bladder assistance for an
19 individual whom a health care provider certifies is stable, not
20 currently in need of medical care and able to communicate and
21 assess the individual's own needs; or

22 J. nursing or caring for the sick provided in
23 accordance with a religious practice so long as the caregiver
24 does not claim to be a licensed practical nurse or a registered
25 nurse."

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